

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RICK R. BERZINKSI,

Plaintiff,

v.

Case No. 09-CV-375

USA FUNDING CORP. and
GOVERNMENT NATIONAL MORTGAGE
ASSOCIATION,

Defendants.

ORDER

Counsel for defendant USA Funding Corp., Mansfield, Tanick & Cohen, P.A. (MTC), has moved the court for leave to withdraw. MTC asserts that USA Funding Corp. stated on September 16, 2010, that it no longer wants MTC to represent it in this matter.

While it appears there are good reasons for the request to withdraw, “[a] corporation is not permitted to litigate in a federal court unless it is represented by a lawyer licensed to practice in that court.” United States v. Hagerman, 545 F.3d 579, 581 (7th Cir. 2008) (citing Rowland v California Men’s Colony, 506 U.S. 194, 202 [1993]; Scandia Down Corp. v. Euroquilt, Inc., 772 F.2d 1423, 1427 [7th Cir. 1985]). “A corporation must appear by counsel or not at all.” Scandia Down, 772 F.2d at 1427. When a corporation’s counsel withdraws during the course of a case, courts “give [the corporation] a reasonable opportunity to find a new one, and, if it fails, either dismiss the case, or enter a default judgment.” United States v. Hagerman, 549 F.3d at 538 (internal citations omitted).

Therefore, MTC's motion to withdraw will be held in abeyance until counsel has an opportunity to notify USA Funding Corp. about the court's order and to permit counsel to advise the court as to how USA Funding Corp. plans to proceed. Such notification to the court should be provided on or before **October 29, 2010**.

ORDER

NOW, THEREFORE, IT IS ORDERED that the motion to withdraw filed by counsel for defendant USA Funding Corp. be and hereby is held in abeyance. (Docket # 31).

IT IS FURTHER ORDERED that counsel for defendant USA Funding Corp. shall notify this court on or before **October 29, 2010**, as to how defendant USA Funding Corp. will proceed in this matter.

Dated at Milwaukee, Wisconsin this 4th day of October, 2010.

BY THE COURT:

s/ Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge